

Remarks/Arguments:

Claim Status:

Claims 1, 3-6, 8-10, 12-19, 21-23 and 32 are pending in the present case. The features of claims 2 and 7 have been included in amended claim 1. The features of claim 20 have been included in amended claim 19. Claim 11 has been cancelled in view of the objection in the Office Action.

The election of Group I, claims 1-23 and 32, is hereby affirmed. Claims 24-31 drawn to a method of hanging a medical device have been withdrawn in view of the restriction requirement, as discussed in a telephone conversation with the Examiner on March 10, 2004.

Thus, claims 2, 7, 11 and 24-31 have been cancelled or withdrawn without prejudice or disclaimer of the subject matter thereof.

Claims 16 and 17 are allowable if rewritten in independent form. Applicants appreciate the Examiner's recognition of allowable subject matter.

Claim Rejection Under 35 U.S.C. § 102(b):

Claims 1-3 and 6-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Swenson et al. (U.S. Patent No. 5,575,446). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Swenson et al. for the reasons set forth below.

Independent claim 1 has been amended to include the features of originally filed claims 2 and 7. Independent claim 1, as amended, recites limitations that are neither disclosed nor suggested by Swenson et al, namely a "hook portion [that] is positionable in a plane of an axis of said mounting portion."

Swenson et al. describes the positionability of the loop portions 11 and 12, i.e., "the arcuate portions 15 or 18 will flex so that the relatively short straight portions 16 or 19 move outwardly whereby the passages 13 or 14 leading to the circular areas 21 or 22 can be enlarged" (Column 3, Lines 15-23). Thus, the loop portions 11 and 12 are positionable along their own axes, as opposed to the loop portion 11 being positionable in a plane of an axis of loop portion 12, for example. Swenson et al. therefore fail to disclose or suggest every element of Applicants' claimed invention, as recited in amended claim 1.

Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Swenson et al. and should be allowed. Claims 3, 6,

and 8-12 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1, 3, 6 and 8-12 is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wijsman (U.S. Patent No. 4,440,371). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Wijsman for the reasons set forth below.

Similar to above, independent claim 1 has been amended to include the features of originally filed claims 2 and 7. Independent claim 1, as amended, recites limitations that are neither disclosed nor suggested by Wijsman, namely a "mounting portion ... configured for mounting said apparatus for movement with respect to the medical device", a "longitudinal axis of said mounting portion" and a "hook portion [that] is positionable in a plane of an axis of said mounting portion."

The Office Action contends that Wijsman's carrying member (item 6) is a mounting portion. The carrying members are not configured for mounting the hanger for movement with respect to the pot, rather they are configured to "***grip*** in a corner 12 of the pot 2" (Column 2, Line 9). Applicants respectfully submit that there is no suggestion that the carrying members are adapted for movement with respect to the pot. Moreover, the carrying members do not have a longitudinal axis or axis of rotation, as recited in claim 1. Thus, the suspension member is incapable of being positionable in a plane of an axis of the carrying members.

Wijsman therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Wijsman and should be allowed. Claims 3-6, 8-12 are dependent upon claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 1, 3-6 and 8-12 is respectfully requested.

Claims 23 and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by O'Day (U.S. Patent No. 4,219,177). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over O'Day for the reasons set forth below.

Independent claim 23, as amended, recites limitations that are neither disclosed nor suggested by O'Day, namely "a mounting portion ... having a longitudinal axis ... coupled to said handle for pivotal movement only about said longitudinal axis."

The Office Action contends that O'Day's reverse bight portion (item 17) is a mounting portion. The reverse bight portion is a cylindrical and substantially straight segment extending from one end of the arcuate section (item 15), as illustrated in Figures 1-3. Applicants respectfully submit that the reverse bight portion is not configured for pivotal movement about its longitudinal axis thereby facilitating deployment and retraction of the hanger, as recited in claim 23.

O'Day therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 23. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 23, as amended, is patentable over O'Day and should be allowed. Reconsideration of claim 23 is respectfully requested.

Independent claim 32, as amended, recites limitations that are neither disclosed nor suggested by O'Day, namely a "hook portion of said hanger [that] extends into said aperture in said handle when said hanger is in a retracted position."

Applicants submit that O'Day's bed rail hanger system does not disclose or suggest a retracted position of the hanger. The Office Action contends that O'Day's arcuate section (item 15) is a hook portion of the hanger. However, the arcuate section (item 15) is not configured to extend into an aperture of a handle when the hanger is in a retracted position, as recited in claim 32.

O'Day therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 32. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 32, as amended, is patentable over O'Day and should be allowed. Reconsideration of claim 32 is respectfully requested.

Claims 13-15 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rhodes (U.S. Patent No. 5,375,799). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Rhodes for the reasons set forth below.

Independent claim 13, as amended, recites limitations that are neither disclosed nor suggested by Rhodes, namely a "mounting portion coupled to an end portion of said elongated shaft and coupled for pivotal movement with respect to said medical device about a longitudinal axis of said mounting portion" and "elongated shaft of said hanger configured to permit rotation of said hook portion with respect to said mounting portion of said hanger about a longitudinal axis of the elongated shaft."

Applicants submit that Rhodes's collection bag hanger neither discloses nor suggests an elongated shaft configured to permit rotation of a hook portion. The Office Action contends that Rhodes's thin flexible and integral web (item 35) is a shaft. Applicants respectfully submit that it would be improper to conclude that the thin flexible and integral web is equivalent to an elongated shaft. The thin flexible and integral web that is referred to as a "living hinge" (Column 3, Line 46), substantially differs from the elongated shaft described in Applicants' specification. Rhode's living hinge substantially deforms to permit movement of the hook arms (item 29), whereas, according to Applicants' specification, an elongated shaft is "flexible and generally cylindrical in shape, oriented along a central axis "A," [and] substantially perpendicular to the axis "B" of the mounting portion 14" (Page 10, Line 22). Furthermore, the Office Action contends that Rhodes's tongue (item 23) is a mounting portion. Applicants respectfully submit that the tongue does not have a longitudinal axis and is not coupled for pivotal movement with respect to the medical device about a longitudinal axis, as recited in claim 13.

Rhodes therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 13. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 13, as amended, is patentable over Rhodes and should be allowed. Claims 14, 15 and 18 are dependent upon claim 13, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 13-15 and 18 is respectfully requested.

Claims 19, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chittenden et al. (U.S. Patent No. 3,690,315). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Chittenden et al. for the reasons set forth below.

Independent claim 19 has been amended to include the features of originally filed claim 20. Independent claim 19, as amended, recites limitations that are neither disclosed nor suggested by Chittenden et al., namely, a "shaft of each hanger [that] is configured to permit rotation of said hook portion with respect to said mounting portion."

Applicants submit that the Urinary Drainage Assembly of Chittenden et al. does not disclose or suggest a shaft configured to permit rotation. The Office Action acknowledges that Chittenden et al. does not disclose a hook portion that rotates with respect to the mounting portion (see Page 9).

Chittenden et al. therefore fail to disclose or suggest every element of Applicants' claimed invention, as recited in claim 19. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 19, as amended, is patentable over Chittenden et al. and should be allowed. Claims 21 and 22 are dependent upon claim 19, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of claims 19, 21 and 22 is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103(a):

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chittenden et al. (U.S. Patent No. 3,690,315) in view of Swenson et al. (U.S. Patent 5,575,446). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Chittenden et al. and Swenson et al. for the reasons set forth below.

Independent claim 19 has been amended to include the features of originally filed claim 20, which stands rejected under this paragraph. Independent claim 19, as amended, recites limitations that are neither disclosed nor suggested by Chittenden et al. or Swenson et al., alone or in combination, namely "said shaft of each hanger configured to permit rotation of said hook portion with respect to said mounting portion, thereby **facilitating orientation of said hook portion of each hanger with respect to the support for positioning the medical device.**"

The Office Action acknowledges that Chittenden et al. does not disclose a hook portion that rotates with respect to the mounting portion (see Page 9). Swenson et al. discloses a clamping device for clamping the wires of a string of decorative light to Christmas tree branches (see Column 1, Lines 51-53) and "the other loop provides a handle for manipulating the device" (Column 1, Lines 54-55) or hanging an ornament. The shaft of the Swenson clamping device is rotatable for the purposes of **securing and detaching** the device to a tree branch, as opposed to facilitating orientation of a hook portion of each hanger with respect to the support for **positioning** a device, as recited in claim 19. There is no suggestion or motivation in Swenson et al. to provide a clamping device that is adapted to facilitate the orientation of the hook portion of the clamping device for positioning a device. Applicants respectfully submit that Office Action conclusion of obviousness is based on improper hindsight reasoning.

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Chittenden et al. and Swenson et al. therefore fail to disclose or suggest every element of Applicants' claimed invention, as recited in claim 19. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 19, as amended, is patentable over Chittenden et al. and Swenson et al. and should be allowed. Reconsideration of claim 20 is respectfully requested.

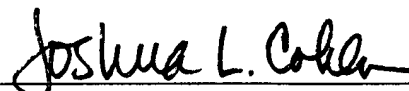
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Conclusion

In view of the amendment in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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